

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

| | | |
|--------------------------|---|-----------------|
| GERARDO MARQUINA |) | |
| |) | |
| v. |) | NO. 2:05-CV-134 |
| |) | (CR-2-94-61) |
| UNITED STATES OF AMERICA |) | |

ORDER OF JUDGMENT

In accordance with the accompanying memorandum opinion, this *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2241 is **DISMISSED** for lack of jurisdiction. Should the petitioner give timely notice of an appeal from this decision, such notice also will be taken as an application for a certificate of appealability, which is **DENIED** because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). The Court also **CERTIFIES** that any appeal from this decision would not be taken in good faith.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge

ENTERED AS A JUDGMENT
s/ Patricia L. McNutt
CLERK OF COURT